

receipt of telegraphic AD T94-25-51: Incorporate the following into the Limitations Section of the FAA-approved AFM. This may be accomplished by inserting a copy of this AD in the AFM.

"(1) Operation of the airplane into forecast or reported icing conditions, as such conditions are defined in the AFM, is prohibited.

"(2) Use of the autopilot is prohibited during inadvertent flight in icing conditions, as defined in the AFM, or when the airplane is operated in moderate or greater turbulence.

"(3) If any unusual lateral trim situations are observed, such as excessive trim displacement; illumination of the message 'RETRIM ROLL R WING DN' or 'RETRIM ROLL L WING DN' on the advisory display unit (ADU); illumination of the message 'AILERON MISTRIM' on the ADU; or abnormal flight characteristics of the airplane: Disconnect the autopilot and manually fly the airplane prior to adjusting the lateral trim. The autopilot may be re-engaged following manual adjustment of the lateral trim."

(b) Between the effective date of this AD and June 1, 1995, the limitations contained in paragraph (a) of this AD may be removed from the AFM upon accomplishment of the actions specified in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD, as applicable. Dispatch into or operation in known or forecast icing conditions, as defined in the AFM, may occur if the actions specified in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD have been accomplished previously. Except as provided by paragraph (c) of this AD, the limitation required by paragraph (a) of this AD must be reinserted in the AFM no later than June 1, 1995.

(1) ATR-42 AFM Temporary Revision 18, dated January 10, 1995; or ATR-72 AFM Temporary Revision 14, dated January 10, 1995; as applicable; shall be incorporated into the Limitations Section of the FAA-approved AFM.

(2) ATR-42 and ATR-72 flight crew members shall receive FAA-approved training, which consists of the following items.

(i) ATR Icing Procedures Brochure, Version 1.0.

Note 1: The ATR Icing Procedure Brochure specified in this paragraph also has been published as "Version 2.0." That version is acceptable for compliance with this paragraph.

(ii) ATR Technical Background Paper, Version 1.0, dated January 6, 1995.

(iii) ATR-42 AFM Temporary Revision 18, dated January 10, 1995; or ATR-72 AFM Temporary Revision 14, dated January 10, 1995; as applicable.

(iv) Flight Crew Operation Manual, Revision 20, dated January 11, 1995 (for Model ATR-42 series airplanes); or Flight Crew Operation Manual, Revision 13, dated January 11, 1995 (for Model ATR-72 series airplanes); as applicable.

(3) Operators of Model ATR-42 and ATR-72 series airplanes shall establish an FAA-approved system to provide forecasts and reports of freezing rain and freezing drizzle at enroute altitudes along the route of flight and at all airports considered in the flight

planning process. Training concerning the use of these icing forecasts and reports shall be accomplished in accordance with Flight Standards Information Bulletin "ATR-42 and ATR-72 Airworthiness Directive T95-02-51 Compliance Procedures," dated January 11, 1995.

(4) For Model ATR-72 series airplanes only: Install ATR Modification Number 04213 in accordance with ATR Service Bulletin ATR72-27-1039, dated January 12, 1995.

(c) Installation of a modification that precludes the formation of hazardous ice accumulation during flight in freezing rain or freezing drizzle conditions constitutes terminating action for the requirements of this AD. This modification must be approved by the Manager, FAA, Transport Airplane Directorate, Standardization Branch, ANM-113. Following installation of such modification, the modification required by paragraph (b)(4) of this AD shall be removed from Model ATR-72 series airplanes.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) Certain actions, when accomplished in accordance with paragraph (b) of this AD, shall be done in accordance with ATR-42 AFM Temporary Revision 18, dated January 10, 1995; ATR-72 AFM Temporary Revision 14, dated January 10, 1995; ATR Icing Procedures Brochure, Version 1.0; ATR Technical Background Paper, Version 1.0, dated January 6, 1995; ATR-42 Flight Crew Operation Manual, Revision 20, dated January 11, 1995; and ATR-72 Flight Crew Operation Manual, Revision 13, dated January 11, 1995; as applicable. Training concerning the use of certain icing forecasts and reports [as specified in paragraph (b)(3) of this AD] shall be accomplished in accordance with Flight Standards Information Bulletin, "ATR-42 and ATR-72 Airworthiness Directive T95-02-51 Compliance Procedures," dated January 11, 1995. Installation of ATR Modification Number 04213 [as specified in paragraph (b)(4) of this AD] shall be accomplished in accordance with ATR Service Bulletin ATR72-27-1039, dated January 12, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies

may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 8, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95-02-51, issued January 11, 1995, which contained the requirements of this amendment.

Issued in Renton, Washington, on February 13, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-4001 Filed 2-17-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-11-AD; Amendment 39-9153; AD 95-04-01]

Airworthiness Directives; Boeing Models 727, 737, and 747 Series Airplanes; McDonnell Douglas Models DC-8 and DC-9 Series Airplanes, Model MD-88 Airplanes, and Models MD-11 and MD-90-30 Series Airplanes; Lockheed Models L-1011-385-1, -385-1-14, -385-1-15, and -385-3 Series Airplanes; and Fokker Models F28 Mark 1000, 2000, 3000, 4000, and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain transport category airplanes equipped with Honeywell Standard Windshear Detection and Recovery Guidance System (WSS). This action requires a revision to the FAA-approved Airplane Flight Manual (AFM) to alert the flight crew of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition. This amendment is prompted by a report of an accident during which an airplane encountered severe windshear during a missed approach. The actions specified in this AD are intended to ensure that the flight crew is aware that there may be significant delays in the WSS detecting windshear when the flaps of the airplane are in transition.

DATES: Effective March 8, 1995.

Comments for inclusion in the Rules Docket must be received on or before April 24, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-11-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: J. Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM-133L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5345; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: Recently, the FAA has received a report of an accident during which the flight crew executed a missed approach following an instrument landing system (ILS) approach. A McDonnell Douglas Model DC-9-31 series airplane equipped with Honeywell Standard Windshear Detection System (WSS) was involved in this accident. Investigation into the cause of this accident revealed that the airplane encountered severe windshear during the missed approach. The FAA has determined that a design feature in the windshear computer delayed detection of windshear when the airplane's flaps were in transition. This condition, if not corrected, could result in the flight crew being unaware of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition.

The Honeywell WSS is also installed on certain Boeing Models 727, 737, and 747 series airplanes; McDonnell Douglas Models DC-8 and DC-9-10, -21, -41, -51, and -80 series airplanes, Model MD-88 airplanes, and Models MD-11 and MD-90-30 series airplanes; Lockheed Models L-1011-385 series airplanes; and Fokker Models F28 Mark 1000, 2000, 3000, 4000, and 0100 series airplanes. In light of this, the FAA has determined that these airplanes are also subject to this same unsafe condition.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to ensure that the flight crew is aware that there may be significant delays in the WSS detecting windshear when the flaps of the airplane are in transition. This AD requires a revision to the FAA-

approved Airplane Flight Manual (AFM) to alert the flight crew of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition.

This is considered to be interim action. Once a modification is developed, approved, and available, the FAA may consider additional rulemaking.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-11-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95-04-01 Boeing, McDonnell Douglas, Lockheed, and Fokker: Amendment 39-9153. Docket 95-NM-11-AD.

Applicability: The following models and series of airplanes, certificated in any category, equipped with Honeywell Standard Windshear Detection and Recovery Guidance System (WSS):

Boeing Model 727-100 and -200 series airplanes;
Boeing Model 737-100, -200, and -300 series airplanes;
Boeing Model 747-100, -200, and -300 series airplanes;
McDonnell Douglas Model DC-8-50, -60, and -70 series airplanes;
McDonnell Douglas Model DC-9-10, -21, -30, -41, -51, and -80 series airplanes;

McDonnell Douglas Model MD-88 airplanes;
McDonnell Douglas Model MD-11 and MD-90-30 series airplanes;
Lockheed Model L-1011-385-1, -385-1-14, -385-1-15, and -385-3 series airplanes;
and
Fokker Model F28 Mark 1000, 2000, 3000, 4000, and 0100 series airplanes;

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is aware of significant delays in the Windshear Detection and Recovery Guidance System (WSS) detecting windshear when the flaps of the airplane are in transition, accomplish the following:

(a) Within 14 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

"During sustained banks of greater than 15 degrees or during flap configuration changes, the Honeywell Windshear Detection and Recovery Guidance System (WSS) is desensitized and alerts resulting from encountering windshear conditions will be delayed."

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on March 8, 1995.

Issued in Renton, Washington, on February 14, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-4123 Filed 2-17-95; 8:45 am]

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14 CFR Part 39

[Docket No. 94-CE-12-AD; Amendment 39-9155; AD 95-04-03]

Airworthiness Directives; Beech Aircraft Corporation 33, 35, and 36 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 92-08-07,

which currently requires inspecting (one-time) the wing front spar carry-through frame structure for cracks on certain Beech 33, 35, and 36 series airplanes, and repairing or reinforcing any cracked wing front spar carry-through frame structure. This action would make this one-time inspection repetitive. This action was prompted by numerous (43) reports received by the Federal Aviation Administration (FAA) of cracks found on the wing front spar carry-through frame structure of the affected airplanes. These cracks were found during the inspection required by AD 92-08-07. The actions specified by the proposed AD are intended to prevent spar carry-through frame structure failure caused by cracking, which, if not detected and corrected, could result in severe structural damage to the wing.

DATES: Effective April 7, 1995.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of March 18, 1992.

ADDRESSES: Service information that applies to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Beech 33, 35, and 36 series airplanes was published in the **Federal Register** on November 2, 1994 (59 FR 54847). The action proposed to supersede AD 92-08-07 with a new AD that would require repetitively inspecting the wing front spar carry-through frame structure for cracks, and repairing or reinforcing any cracked wing carry-through frame structure. The proposed action would be accomplished in accordance with Beech Service Bulletin No. 2360, dated November 1990. The only difference between the proposal and AD 92-08-07 is that the initial inspection required by the existing AD would become repetitive.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received from four different commenters.

One commenter points out that the actual AD portion of the proposal specifies no directions for what to do if there are no cracks found, whereas the preamble specifies repetitive inspections, and the AD portion specifies these repetitive inspections after cracks are repaired. The commenter feels that this may have been an oversight on the FAA's part. The FAA concurs. The intent of the proposal was to make the inspection repetitive regardless of whether cracks are found. A paragraph has been added to the AD to ensure that the inspection is repetitive if no cracks are found.

This commenter also states that those owners/operators that have already inspected the airplane as required by AD 92-08-07 (superseded by this action) should not have to inspect again until the next annual inspection. The FAA concurs that a grace period should be given for those airplane owners/operators that have already inspected as required by AD 92-08-07. In addition, AD 92-08-07 superseded AD 91-14-13, which required repetitive inspections. The Compliance section of the AD has been revised to give credit to those airplane operators that have already inspected the wing front spar carry-through frame structure as required by one of the above-referenced AD's.

Two commenters state that AD action requiring a repetitive inspection of the wing front spar carry-through frame structure is unjustified because there are only reports of cracks in this structure on 43 out of over 10,000 affected airplanes. The FAA does not concur that AD action is unjustified. AD's are not issued based on the percentage of the airplanes that have reported problems, but are issued when an unsafe condition exists in a product, and when that condition is likely to exist or develop in other products of the same type design. The FAA reviewed all information relating to the wing front spar carry-through frame structure crack reports on the affected airplanes and determined that AD action was justified and the proposed actions, when accomplished correctly, would eliminate the unsafe condition and prevent it from re-occurring. The AD is unchanged as a result of these comments.

Three of the four commenters state that inspecting the wing front spar carry-through frame structure is part of the affected airplanes' annual inspection program, and thus no AD action is